

## **EXHIBIT A**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS**

**BAC HOME LOANS SERVICING,  
LP**

**Plaintiff,**

**V.**

**Case No. 4:09-CV-2539**

**TEXAS REALTY HOLDINGS, LLC,  
et al.,**

## Defendants.
































## DECLARATION OF JOSHUA J. BENNETT

I, Joshua J. Bennett, declare as follows:

1. The facts stated in this declaration are known to me of my own personal knowledge. If called as a witness, I would and could competently testify thereto.
2. I am an associate at the law firm of Akerman Senterfitt and assist in the representation of BAC Home Loans Servicing, LP in the case styled *BAC Home Loans Servicing, LP v. Texas Realty Holdings, LP., et al.*, No. 09-CV-2539.
3. I have assisted in the prosecution of this action on BAC's behalf which has included attempting to serve the defendants in this action, including defendants Susan Shen, Nancy Groves, Brien West, and Dampkring.
4. No physical address for Groves could be located. So I requested that a copy of the complaint and a summons be served on her via certified mail return receipt requested to P.O. Box 740969, Houston, Texas. Groves indicated this address was her address in the Deed of

Trust she entered with Defendant Dampkring,<sup>1</sup> and in the current records of the Harris County Appraisal District.<sup>2</sup> Nonetheless, the package was returned undelivered roughly thirty days later.

5. When this action was filed, I arranged for personal service to be served on Shen, West, and Dampkring, but by the end of August, those efforts proved unsuccessful. Defendants Shen, West, and Dampkring evaded all attempts at personal service. So I was required to find another means of service to ensure the defendants were served effectively.

6. During the months of September and October, I consulted often with the counsel of other plaintiffs waging similar actions against these same defendants to obtain further information as to how effective service could be made on defendants Groves, Shen, West, and Dampkring. Yet, this effort yielded no information that would have allowed us to obtain service on those defendants.

7. I then arranged for a process server to attend a homeowner's association foreclosure sale to serve process on Groves and other defendants. But Groves could not be located at the sale. I then obtained background checks on Groves, which yielded no useful results. So, on November 24, 2009, I again attempted to serve Groves via certified mail return receipt requested to P.O. Box 740969. I am currently waiting for confirmation as to whether Ms. Groves accepted delivery of that package.

I declare under penalty of perjury under the laws of the state of Texas that the foregoing is true and correct.

Executed December 4, 2009 in Dallas, Texas.



Declarant

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<sup>1</sup> Deed of Trust at 1, attached hereto as **Exhibit A-1**.

<sup>2</sup> Harris County Appraisal District Real Property Account Information, attached hereto as **Exhibit A-2**.

## **EXHIBIT A-1**

**NOTICE OF CONFIDENTIALITY RIGHTS; IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVERS LICENSE.**

**DEED OF TRUST**

**Date:** August 27, 2007  
**Grantor:** NANCY GROVES  
**Grantor's Mailing Address:** P O Box 740969  
Houston, Harris County, Texas 77274  
**Trustee:** G. P. Matherne  
**Trustee's Mailing Address (including county):** PO Box 547  
Spring, Harris Co., TX 77383  
**Beneficiary:** DAMPKRING, LLC  
**Beneficiary's Mailing Address (including county):** 10220 Memorial Dr.# 145  
Houston, Harris County TX 77024

20070535139  
08/31/2007 RP1 \$32.00

**Ad Valorem Tax Transfer:**

**Date:** As determined by the taxing jurisdiction.

**Amount:** \$ 6,642.86

**Transferor:** NANCY GROVES

**Transferee:** DAMPKRING, LLC

**Final Maturity Date:** August 31, 2010

**Transfer Costs and Attorney Fees:** \$ 750.00

**Final Maturity Date:** September 6, 2007

**Terms of Payment:** As therein provided

**Property (including any improvements):**

Condominium Unit, limited common elements appurtenant thereto. Together with an undivided interest in and to the general common elements located in and being a part of PARAMOUNT LOFTS CONDOMINIUM, a Condominium Project located, delineated and defined in the condominium declaration, survey plats, by-laws and exhibits attached

CLERK  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

2007 AUG 31 AM 9:25

FILED

## **EXHIBIT A-2**

HARRIS COUNTY APPRAISAL DISTRICT  
REAL PROPERTY ACCOUNT INFORMATION  
**1217630010029**

Tax Year: 2009

 Print

Owner and Property Information						
Owner Name & Mailing Address: <b>GROVES NANCY PO BOX 740969 HOUSTON TX 77274-0969</b>			Legal Description: <b>LT 29 BLK 1 LAKES ON ELDRIDGE NORTH SEC 9</b>			
			Property Address: <b>12414 LAGO BEND LN HOUSTON TX 77041</b>			
State Class Code	Land Use Code	Land Area	Total Living Area	Neighborhood	Map Facet	Key Map®
A1 -- Real, Residential, Single-Family	1001 -- Residential Improved	9,983 SF	4,106 SF	88.06	4861A	409W

Value Status Information			
Capped Account	Value Status	Notice Date	Shared CAD
No	Noticed	3/31/2009	No

Exemptions and Jurisdictions					
Exemption Type	Districts	Jurisdictions	ARB Status	2008 Rate	2009 Rate
None	004	CYPRESS-FAIRBANKS ISD	Certified: 08/21/2009	1.350000	1.410000
	040	HARRIS COUNTY	Certified: 08/21/2009	0.389230	0.392240
	041	HARRIS CO FLOOD CNTRL	Certified: 08/21/2009	0.030860	0.029220
	042	PORT OF HOUSTON AUTHY	Certified: 08/21/2009	0.017730	0.016360
	043	HARRIS CO HOSP DIST	Certified: 08/21/2009	0.192160	0.192160
	044	HARRIS CO EDUC DEPT	Certified: 08/21/2009	0.005840	0.006050
	045	LONE STAR COLLEGE SYS	Certified: 08/21/2009	0.110100	0.110100
	520	HC MUD 370	Certified: 08/21/2009	0.480000	0.480000
	633	HC EMERG SRV DIST 9	Certified: 08/21/2009	0.059130	0.060000

2008 Value			2009 Value		
	Market	Appraised		Market	Appraised
Land	54,906		Land	54,906	
Improvement	373,046		Improvement	373,046	
Total	427,952	427,952	Total	427,952	427,952

Land												
Market Value Land												
Line	Description	Site Code	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
1	1001 -- Res Imprvd Table Val	SF1	SF	9,983	1.00	1.00	1.00	--	1.00	5.50	5.50	54,907

Building						
Building	Year Built	Type	Style	Quality	Impr Sq Ft	Building Details
1	2001	Residential Single Family	Residential 1 Family	Good	4,106 *	Displayed

\* All HCAD residential building measurements are done from the exterior, with individual measurements rounded to the closest foot. This measurement includes all closet space, hallways, and interior staircases. Attached garages are not included in the square footage of living area, but valued separately. Living area above *attached* garages is included in the square footage living area of the dwelling. Living area above *detached* garages is not included in the square footage living area of the dwelling but is valued separately. This method is used on all residential properties in Harris County to ensure the uniformity of square footage of living area measurements district-wide. There can be a reasonable variance between the HCAD square footage and your square footage measurement, especially if your square footage measurement was an interior measurement or an exterior measurement to the inch.

## Building Details (1)

Building Data	
Element	Detail
Cond / Desir / Util	Average
Foundation Type	Slab
Grade Adjustment	B+
Heating / AC	Central Heat/AC
Physical Condition	Average
Exterior Wall	Frame / Concrete Blk
Exterior Wall	Brick / Masonry
Element	Units
Room: Total	10

Building Areas	
Description	Area
BASE AREA PRI	1,234
CARPORT PRI	361
MAS/BRK GARAGE PRI	227
MAS/BRK GARAGE PRI	191
ONE STORY MAS PRI	308
OPEN MAS PORCH PRI	103
ONE STORY MAS PRI	1,004
ONE STORY FRAME PRI	99
OPEN MAS PORCH PRI	72

## **EXHIBIT B**



CAUSE NO. H-09-2539

**BAC HOME LOANS SERVICING, LP**

**VS.**

**TEXAS REALTY HOLDINGS, LLC, ET AL**

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**US DISTRICT COURT**

**SOUTHERN DISTRICT**

**OF TEXAS**

**SWORN AFFIDAVIT FOR SUBSTITUTE SERVICE**

My name is DONNIE MORELAND, SCH1655. I am a process server, and authorized to serve process in this cause. I am over the age of eighteen (18) years, of sound mind, and am not a party to nor interested in the outcome of this cause and am competent to testify to the facts in this affidavit, which are based on personal knowledge and are true.

I have attempted to deliver a true copy of the Summons, Plaintiff's Original Complaint, Order for Conference And Disclosure Of Interested Parties and Civil Cover Sheet With Exhibits in this cause upon SUSAN SHEN at OWNER, RENTAL PROPERTY - 6007 MEMORIAL DR., # 202, HOUSTON, TX 77007 on the following dates and times:

08/14/2009 @ 4:20 PM - BAD ADDRESS. I attempted service at 6007 Memorial Dr., #202, Houston, TX. Current resident, female, would not open door, said she is renting the property and did not know where Susan Shen lives but that Susan Shen is the owner.

08/15/2009 @ 8:32 AM - BAD ADDRESS. I attempted service aqt 5300 N. Braeswood, Houston, TX. Address is a shopping center.

08/17/2009 @ 7:58 AM - NO ANSWER AT DOOR. I attempted service at 2615 Parkbriar Lane, Pearland, TX. No answer at door, no vehicles, house has a garage, childrens toys in front. No answer at neighbors.

08/18/2009 @ 11:30 AM - NO ANSWER AT DOOR. I attempted service at 2615 Parkbriar Lane, Pearland, TX. No answer at door, no vehicles, neighbor in 2616 (bm, 60, 6', 180, black hair, glasses) confirmed Susan Shen lives in 2615 and said she is home at different times of the day. Left notice.

08/21/2009 @ 7:40 PM - NO ANSWER AT DOOR. I attempted service at 2615 Parkbriar Lane, Pearland, TX. No answer at door, no vehicles, left notice.

08/22/2009 @ 6:43 PM - NO ANSWER AT DOOR. I attempted service at 2615 Parkbriar Lane,

Pearland, TX. No answer at door, no vehicles, left notice.

08/24/2009 @ 8:22 PM -

NO ANSWER AT DOOR. I attempted service at 2615 Parkbriar Lane, Pearland, TX. No answer at door, no vehicles, lights on, neighbor in 2619 said she saw Susan Shen come home and she should be inside, left notice.

08/26/2009 @ 2:59 PM -

NO ANSWER AT DOOR. I attempted service at 2615 Parkbriar Lane, Pearland, TX. No answer at door, no vehicles, left notice.

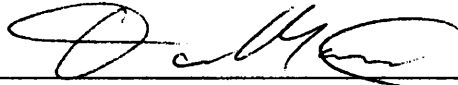
I have made sufficient investigation of the premises and am satisfied that such place is the usual place of abode / place of business. It is my opinion that it is impractical to serve the defendant personally.

I believe the most effective way to give the actual notice of the Summons, Plaintiff's Original Complaint, Order for Conference And Disclosure Of Interested Parties and Civil Cover Sheet With Exhibits is to deliver them by the following substitute method:

X By posting to the front door or gate at the above address.

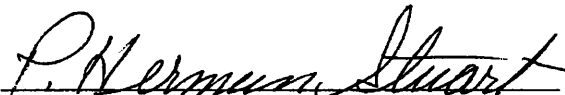
X By delivering to anyone over sixteen (16) years of age at the above address.

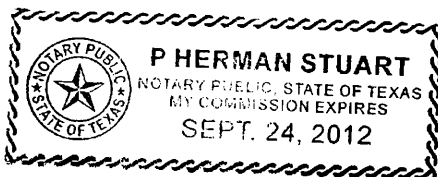
\_\_\_\_ By first class U.S. mail, without requiring any signed receipt for actual delivery, to the above address, addressed to the party to be delivered.

  
AFFIANT

STATE OF TEXAS }

Before me, the undersigned authority, personally appeared the above named affiant, who being first duly sworn, stated that the above stated facts are true and correct, and subscribed the same before me on this 4th day of September, 2009.

  
NOTARY PUBLIC



CLSS - NationWide Service Center (NWSC)  
2522 Lower Mason Creek Road  
Bandera, Texas 78003

## **EXHIBIT C**

CAUSE NO.: **H-09-2539**

**BAC HOME LOANS SERVICING, LP**

**VS.**

**TEXAS REALTY HOLDINGS, LLC, ET AL**

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**US DISTRICT COURT**

**SOUTHERN DISTRICT**

**OF TEXAS**

**AFFIDAVIT of DUE DILIGENCE**

My name is DONNIE MORELAND, SCH1655. I am over the age of eighteen (18). I have never been convicted of a felony or a crime of moral turpitude. I am competent to make these statements contained in this affidavit.

I was assigned to deliver process in the above styled case and cause upon the below-named defendant at the usual place of abode:

BRIEN WEST  
7922 S. WELLINGTON COURT  
HOUSTON, TX 77055

The following efforts to deliver to the defendant a true copy of the Summons, Plaintiff's Original Complaint, Jury Demand, Order for Conference And Disclosure Of Interested Parties and Civil Cover Sheet With Exhibits on the following date(s) with stated results:

08/15/2009 @ 8:19 PM - I attempted service at 7922 S. Wellington Ct., Houston. No vehicles. Doormat says "Come back with a warrant". House is registered to Catherine A. West. When previously trying to serve Brien West I spoke to a neighbor in 7926 said Brien West lives in 7922. Under two separate court cases I attempted to serve Brien West at both 10220 Memorial Drive, #145, Houston, TX 77055 and 7922 Wellington Court, Houston, TX 77055 and discovered that Brien West had moved from the Memorial Drive address over one year ago and the property manager did not have any forwarding information for Brien West.

08/17/2009 @ 8:10 AM - No answer at door, no vehicles, left notice.

08/19/2009 @ 7:02 PM - No answer at door, lights on inside, someone walked past the door but would not open, no vehicles, left notice.

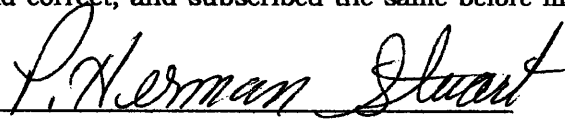
08/23/2009 @ 6:50 PM - No answer at door, lights on inside, someone walked past the door but would not open, no vehicles, left notice.

Further Affiant Sayeth Not,

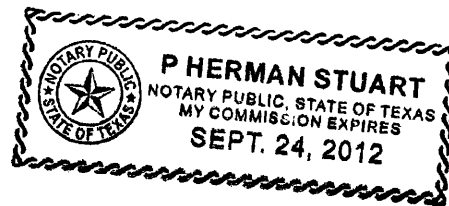
  
AFFIANT

STATE OF TEXAS }

Before me, the undersign authority, personally appeared the above named affiant, who being first duly sworn, stated that the above stated facts are true and correct, and subscribed the same before me on this 20th day of November, 2009.

  
NOTARY PUBLIC

CLSS - NationWide Service Center (NWSC)  
2522 Lower Mason Creek Road  
Bandera, Texas 78003



## **EXHIBIT D**

CAUSE NO.: **H-09-2539**

**BAC HOME LOANS SERVICING, LP**

**VS.**

**TEXAS REALTY HOLDINGS, LLC, ET AL**

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**US DISTRICT COURT**

**SOUTHERN DISTRICT**

**OF TEXAS**

**AFFIDAVIT of DUE DILIGENCE**

My name is DONNIE MORELAND, SCH1655. I am over the age of eighteen (18). I have never been convicted of a felony or a crime of moral turpitude. I am competent to make these statements contained in this affidavit.

I was assigned to deliver process in the above styled case and cause upon the below-named defendant at the usual place of abode:

DAMPKRING,LLC BY DELIVERING TO BRIEN WEST  
7922 S. WELLINGTON COURT  
HOUSTON, TX 77055

The following efforts to deliver to the defendant a true copy of the Summons, Plaintiff's Original Complaint, Jury Demand, Order for Conference And Disclosure Of Interested Parties and Civil Cover Sheet With Exhibits on the following date(s) with stated results:

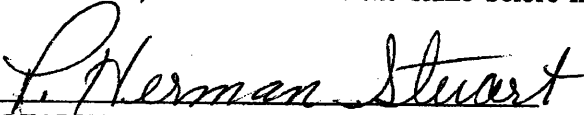
08/15/2009 @ 8:19 PM -	I attempted service at 7922 S. Wellington Ct., Houston. No vehicles. Doormat says "Come back with a warrant". House is registered to Catherine A. West. When previously trying to serve Brien West I spoke to a neighbor in 7926 said Brien West lives in 7922. Under two seperate court cases I attempted to serve Brien West at both 10220 Memorial Drive, #145, Houston, TX 77055 and 7922 Wellington Court, Houston, TX 77055 and discovered that Brien West had moved from the Memorial Drive address over one year ago and the property manager did not have any forwarding information for Brien West.
08/17/2009 @ 8:10 AM -	No answer at door, no vehicles, left notice.
08/19/2009 @ 7:02 PM -	No answer at door, lights on inside, someone walked past the door but would not open, no vehicles, left notice.
08/23/2009 @ 6:50 PM -	No answer at door, lights on inside, someone walked past the door but would not open, no vehicles, left notice.

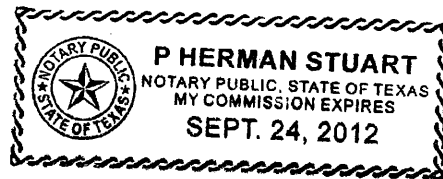
Further Affiant Sayeth Not,

  
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**AFFIANT**

STATE OF TEXAS }

Before me, the undersign authority, personally appeared the above named affiant, who being first duly sworn, stated that the above stated facts are true and correct, and subscribed the same before me on this 20th day of November, 2009.

  
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**NOTARY PUBLIC**



CLSS - NationWide Service Center (NWSC)  
2522 Lower Mason Creek Road  
Bandera, Texas 78003